

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EYE ON DETROIT, L.L.C.,
a Michigan limited liability company,

Plaintiff,

v.

Judge: John Corbett O'Meara
Case No. 5:05 CV 60277

THE HOME DEPOT, INC.,
a Delaware corporation;
HOME DEPOT U.S.A., INC.,
a Delaware corporation;
jointly and severally,

Defendants.

ISHBIA & GAGLEARD, P.C.
By: David N. Zacks (P34192)
251 Merrill Street, 2nd Floor
Birmingham, MI 48009
(248) 647-8590
Attorneys for Plaintiff

BUTZEL LONG
By: Dennis B. Schultz (P28166)
Philip J. Kessler (P15921)
Kenneth H. Adamczyk (P40602)
100 Bloomfield Hills Parkway, Suite 200
Bloomfield Hills, MI 48304-2949
(248) 258-1616
Attorneys for Defendants

**ORDER GRANTING MOTION OF DEFENDANTS
FOR SUMMARY JUDGMENT ON COUNTS I-IV AND DENYING
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants having filed their Motion for Partial Summary Judgment on Counts I-IV and supporting papers; Plaintiff having filed papers in opposition to the summary judgment motion; Plaintiff having filed its Motion for Partial Summary Judgment as to Liability Under Count I and supporting papers; Defendants having filed papers in opposition to this motion; a hearing on the foregoing motions having been held by this Court; and this Court being otherwise fully advised in the premises; it is hereby

ORDERED, that the motion of Defendants for summary judgment hereby is granted and Counts I, II, III and IV of Plaintiff's Complaint are dismissed from this case; and it is further

ORDERED, that Plaintiff's Motion for Partial Summary Judgment hereby is denied.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: June 5, 2006

Approved as to form:

ISHBIA & GAGLEARD, P.C.

BUTZEL LONG

By: _____
David N. Zacks (P34192)
251 Merrill Street, 2nd Floor
Birmingham, MI 48009
(248) 647-8590
Attorneys for Plaintiff

By: s/Kenneth H. Adamczyk
Dennis B. Schultz (P28166)
Philip J. Kessler (P15921)
Kenneth H. Adamczyk (P40602)
100 Bloomfield Hills Parkway, Suite 200
Bloomfield Hills, MI 48304-2949
(248) 258-1616
Attorneys for Defendants

693942

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **David N. Zacks, Esq.**

s/Kenneth H. Adamczyk
100 Bloomfield Hills Parkway, Suite 200
Bloomfield Hills, MI 48304-2949
(248) 258-4474
schultz@butzel.com
P40602

693942